IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 641 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

==========

STATE OF GUJARAT - Applicant(s)
Versus
SONIBEN W/O MOGHJIBHAI MAKNABHAI TAMBOLIYA - Respondent(s)

==========

Appearance :
MS MANISHA LAVKUMAR ADDL PUBLIC PROSECUTOR for Applicant(s) : 1,
MR DF AMIN for Respondent(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 19/12/2006

ORAL JUDGMENT:

After the petition being argued at some length, learned advocate Mr.D.F.Amin, appearing for the respondent, fairly conceded that the

impugned order was passed before affording to the prosecution an opportunity of leading evidence. Therefore, without entering into merits of the other conclusions drawn by the learned Sessions Judge in the impugned order, the matter was required to be remanded for trial in accordance with law without prejudice to the rights and contentions that may be available to the respondent at the trial. He, therefore, specifically requested not to record reasons for allowing the petition. Accordingly, the petition is allowed and the impugned order dated 1.7.1998 in Sessions Case No.2 of 1995 (Narcotic) made by learned Additional Sessions Judge, Panchmahals, Godhra is set aside. Rule is made absolute with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)